

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1490 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AHMEDABAD SECONDARY SCHOOL MANAGEMENT ASSN. & ORS.

Versus

GUJ. SECONDARY EDUCATION BOARD & ORS.

Appearance:

MS MAMTA VYAS for Petitioners

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/07/96

ORAL JUDGMENT

Heard learned counsel for the petitioners. The petitioners have prayed for issuing a writ of Mandamus or directions to the respondent No.2 that he has no power to impose a penal cut of the amount of grant payable to the secondary schools in the State of Gujarat without following procedure laid down u/s.17(8) of the Gujarat Secondary Education Act, 1972. Prayer has also been made for quashing of the orders as contained in annexures 'C',

`D', `F', `K' & `L', to this Special Civil Application.

2. Under the order annexure `C', the respondent No.2 has directed the petitioners to absorb Shri Manubhai Patel as P.T. teacher in the Anjum High School, Bapunagar, Ahmedabad. Under annexure `D', direction was given to allow Shri Manubhai Patel to join his duties. Under the order annexure `F', the respondent No.2 has directed the deduction of grant of petitioner to the extent of Rs.4,678/- towards the salary of Shri Manubhai Patel. Under annexure `K', the respondent No.2 has imposed a penal cut of 5% in the maintenance grant payable to the petitioner No.3 for the year 1983-84. On direction of the Director of Education to the respondent No.2 to decide the matter afresh, the respondent No.2 has imposed a penal cut in the maintenance grant payable to the petitioner No.3 which is annexed to this Special Civil Application as annexure `L'.

3. The only contention made by the learned counsel for the petitioners is that the imposition of a penal cut was not justified. It is admitted by counsel for the petitioners that the result of the secondary school has been considerably lowered down. The counsel for the petitioners contended that for bad result of secondary schools, neither the management nor the teachers were responsible. It is difficult to accept this contention. The grant is given for imparting education and it is a primary duty of the school management as well as teachers to see that they give out good results. If the management and teachers are not able to give out good results, then what for the grant should be given to such an institution. It is a case where the respondent No.2 has taken lenient view in the matter, otherwise he could have taken deterrent action against the petitioners. In the circumstance, no interference of this Court is called for so far as the orders of respondent No.2 are concerned, as they are just and reasonable orders. No other point has been raised. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

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(sunil)